

**FINAL ACTIONS**  
**Planning Commission Meeting of January 24, 2011**

<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>FOLLOW-UP ACTION</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 6:00 p.m. by the Director of Planning, Wayne Cilimberg.</li> <li>• PC members present were Mr. Morris, Mr. Loach, Mr. Randolph, Mr. Franco, Mr. Smith, and Mr. Lafferty. Ms. Monteith was present.</li> <li>• Staff present was Ron Higgins, Sarah Baldwin, Scott Clark, Claudette Grant, Wayne Cilimberg, Sharon Taylor, and Greg Kamptner.</li> </ul>	
<p>2. <b>Election of Chairman for this meeting.</b></p> <p><b>Elected Cal Morris</b> as Chairman of Planning Commission for this meeting by a vote of 5:0:1 (Morris abstained).</p>	<ul style="list-style-type: none"> <li>• No action required.</li> </ul>
<p>3. <b>From the Public: Matters Not Listed for Public Hearing on the Agenda.</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• No action required</li> </ul>
<p>4. <b><u>Consent Agenda</u></b>  <b>Approval of Minutes: 12-6-11, 12-13-11, 4-19-11 and 4-5-11</b></p> <p><b>APPROVED CONSENT AGENDA</b>, by a vote of 6:0.</p>	<p><u>Clerk:</u></p> <p>Finalize minutes for signature</p>
<p>5. <b>Review of Board of Supervisors Meeting</b>  – December 14, 2011, January 4, 2012 &amp; January 11, 2012.</p> <p>Mr. Cilimberg reviewed the Board actions taken on December 14, 2011, January 4, 2012 &amp; January 11, 2012.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• No action required</li> </ul>
<p>6. <b>Items Requesting Deferral.</b></p> <p><b><u>ZMA-201000011 Estes Park</u></b>  PROPOSAL: Rezone 12.75 acres on Tax Map/Parcel 03200000003300 and TMP 03200000003400 from R-1, Residential zoning district which allows 1 unit/acre to PRD, Planned Residential Development zoning district which allows residential (3 – 34 units/acre) with limited commercial uses and to rezone 0.56 acres on Tax Map/Parcel 046B4000000500 from R-1 Residential zoning district to R-1 Residential zoning district with proffers. Proposed number of units is 66 for a density of 5.33 units/acre.</p> <p><b><i>DEFERRED FROM THE 12/13/11 PLANNING COMMISSION MEETING. APPLICANT REQUESTING INDEFINITE DEFERRAL.</i></b></p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>• Action Letter – <b>ZMA-2010-00011</b> indefinitely deferred at the request of the applicant.</li> </ul>

<p><b>APPROVED INDEFINITE DEFERRAL OF ZMA-2010-11</b>, by a vote of 6:0.</p>	
<p>5. <b><u>SP-2010-00042 David Brown Auto Detailing and Repair</u></b>  PROPOSED: Special Use Permit for a public garage with auto detailing and repair  ZONING CATEGORY/GENERAL USAGE: Rural Areas (RA) - agricultural, forestal and fishery uses  SECTION: 10.2.2 (37) Public garage  COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources / density .5 units / acre of development lots  ENTRANCE CORRIDOR: No LOCATION: 599 Rocky Hollow Rd. (Rt. 769); east of Stony Point Rd. (Rt. 20)  TAX MAP/PARCEL: 062000000076A1  MAGISTERIAL DISTRICT: Rivanna (Scott Clark)  <b>APPLICANT REQUESTING DEFERRAL.</b></p> <p><b>APPROVED DEFERRAL OF SP-2010-00042 TO FEBRUARY 28</b>, by a vote of 6:0.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>Action Letter – SP-2010-00042 deferred at the request of the applicant to February 28, 2012.</li> </ul>
<p>7. <b>Regular Items</b></p> <p><b><u>SDP-2011-00072 Verizon Wireless Monopole Extension “Moores Creek” Final Site Plan</u></b>  PROPOSED: Request for an extension of an existing steel monopole in order to support the attachment of a new set of antennas mounted on a second array. The new proposed height of the monopole will be approximately 96 feet, a 7 foot extension from the top of the existing antennas which will slightly clear the surrounding tree tops.  ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots), EC-Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.  SECTION: 10.2.1 (48) which allows for Tier III personal wireless facilities in the RA Zoning District  COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 4- Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots)  ENTRANCE CORRIDOR: Yes  LOCATION: U.S. 29, approximately 3¼ miles south of the I-64 Interchange on the east side of road across from</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> <li>Action Letter – Denied SDP-2011-0072, by a vote of 6:0, on the grounds that the Planning Commission does not have the authority to approve a Tier II Wireless application. Having considered the staff report and staff’s recommendation the Planning Commission recommends approval of SDP-2011-00072 Verizon Wireless Monopole Extension “Moores Creek” Final Site Plan if this matter is appealed to the Board of Supervisors.</li> <li>The matter will be forwarded to the Board of Supervisors to be scheduled on a date to be determined if appealed by the applicant.</li> </ul>

<p>Eltzroth/Thompson Nursery.  TAX MAP/PARCEL: 08900-00-00-00400  MAGISTERIAL DISTRICT: Samuel Miller  (Sarah Baldwin)</p> <p><b>DENIED SDP-2011-0072</b>, by a vote of 6:0, on the grounds that the Planning Commission does not have the authority to approve a Tier II Wireless application. Having considered the staff report and staff's recommendation the Planning Commission recommends approval of SDP-2011-00072 Verizon Wireless Monopole Extension "Moore's Creek" Final Site Plan if this matter is appealed to the Board of Supervisors.</p>	
<p>8. <b><u>SDP-2011-00074 Verizon Wireless Monopole Extension "Turner Mtn." Final Site Plan</u></b>  PROPOSED: Request for an extension of an existing steel monopole in order to support the attachment of a new set of antennas mounted on a second array. The new proposed height of the monopole will be approximately 108 feet, an 8.5 foot extension from the top of the existing antennas, and will be 2.2 feet below the reference tree.  ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  SECTION: 10.2.1 (48) which allows for Tier III personal wireless facilities in the RA Zoning District  COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).  ENTRANCE CORRIDOR: No  LOCATION: Tilman Rd. (Rt. 676), approximately 1/3 mile north of the intersection with Ivy Rd. (Rt. 250).  TAX MAP/PARCEL: 05800-00-00-061A0  MAGISTERIAL DISTRICT: Samuel Miller  (Sarah Baldwin)</p> <p><b>DENIED SDP-2011-0074</b>, by a vote of 6:0, on the grounds that the Planning Commission does not have the authority to approve a Tier II Wireless application. Having considered the staff report and staff's recommendation the Planning Commission recommends approval of SDP-2011-00074 Verizon Wireless Monopole Extension "Turner Mtn." Final Site Plan if this matter is appealed to the Board of</p>	<p>Clerk:</p> <ul style="list-style-type: none"> <li>• Action Letter - Denied SDP-2011-0072, by a vote of 6:0, on the grounds that the Planning Commission does not have the authority to approve a Tier II Wireless application. Having considered the staff report and staff's recommendation the Planning Commission recommends approval of SDP-2011-00074 Verizon Wireless Monopole Extension "Turner Mtn." Final Site Plan if this matter is appealed to the Board of Supervisors.</li> <li>• The matter will be forwarded to the Board of Supervisors to be scheduled on a date to be determined if the matter is appealed by the applicant.</li> </ul>

<p>Supervisors.</p> <p>9. <b>Public Hearing Items.</b></p> <p><b><u>SP-2011-00022 Verizon Wireless/Southwest Mountain Tier III Personal Wireless Service Facility</u></b>  PROPOSED: Request for installation of a second flush-mounted antenna array replacing recently removed whip antennas in order to support the attachment of a new antenna array in a second vertical array below the company's existing antennas. This is an amendment of SP 2003-45 #2C to allow more than 5 antenna arrays. ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)  SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District  COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 2 -preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)  ENTRANCE CORRIDOR: NO  LOCATION: 119 Lego Drive  TAX MAP/PARCEL: 07800-00-00-051C0  MAGISTERIAL DISTRICT: Rivanna (Sarah Baldwin)</p> <p><b>RECOMMENDED APPROVAL OF MODIFICATIONS</b> to Sections 5.1.40(c)(3)(i),(c)(4) and (c)(5) of the Zoning Ordinance, by a vote of 6:0, for the reasons outlined in the staff report and in the presentation and summarized in Attachment 1.</p> <p><b>RECOMMENDED APPROVAL OF SP-2011-00022</b>, by a vote of 6:0, with staff's recommended conditions as outlined in the staff report and in the presentation and summarized in Attachment 1.</p>	<p>Clerk:</p> <ul style="list-style-type: none"> <li>• Action Letter - <b>Zoning Ordinance Waivers</b> – Recommended approval of modifications to Sections 5.1.40(c)(3)(i),(c)(4) and (c)(5) for the reasons outlined in the staff report and in the presentation and summarized in Attachment 1.</li> <li>• Action Letter – SP-2011-00022 for a Tier III personal wireless facility recommended for approval with the conditions outlined in the staff report and in the presentation and summarized in Attachment 1.</li> <li>• SP will go to the Board of Supervisors on a date to be determined.</li> </ul>
<p>10. <b><u>SP-2011-00026 Flatwoods Land Trust AT&amp;T-CV429-Tier III</u></b>  PROPOSED: Special use permit request for a personal wireless service facility including a 119-foot metal monopole with flush-mount antennae. Proposal includes requested waiver of section 5.1.40(d)(6) of the Zoning Ordinance (to allow a pole height 30 feet above the reference tree, over the normal maximum of seven to ten feet). ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in</p>	<p>Clerk:</p> <ul style="list-style-type: none"> <li>• Action Letter - <b>Zoning Ordinance Waivers</b> – Recommended approval of modification to Section 5.1.40(d)(6) for the reasons outlined in the staff report and in the presentation and summarized in Attachment 2.</li> <li>• Action Letter – Special Use Permit, SP-2011-00026 - recommended approval for a Tier III personal wireless facility with the conditions outlined in the staff report and in the presentation and summarized in Attachment 1.</li> </ul>

<p>development lots) SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 4 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots) ENTRANCE CORRIDOR: YES LOCATION: At the northwest side of the Intersection of Scottsville Road (Route 20), Esmont Road (Route 715), and Coles Rolling Road (Route 712). TAX MAP/PARCEL: 11200-00-00-030G0 MAGISTERIAL DISTRICT: Scottsville (Scott Clark)</p> <p><b>RECOMMENDED APPROVAL OF MODIFICATION</b> to Section 5.1.40(d) of the Zoning Ordinance, by a vote of 5:1, (Morris nay) for the reasons outlined in the staff report and in the presentation and summarized in Attachment 1. (Mr. Morris did not recommend going beyond the 10' pole.)</p> <p><b>RECOMMENDED APPROVAL OF SP-2011-00026</b>, by a vote of 6:0, with staff's recommended conditions as outlined in the staff report and in the presentation and summarized in Attachment 2.</p>	<ul style="list-style-type: none"> <li>• SP and modifications will go to the Board of Supervisors on a date to be determined.</li> </ul>
<p>11. <b><u>ZMA-2011-00007 Albemarle Place Proffer Amendment</u></b> PROPOSAL: Request to amend proffers on property zoned NMD which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. No new dwellings or change in residential density proposed. ENTRANCE CORRIDOR: Yes PROFFERS: Yes COMPREHENSIVE PLAN: Designated Urban Mixed Use (in Destination Center) – retail, residential, commercial, employment, office, institutional, and open space; Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers; and Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses. LOCATION: Northwest corner Hydraulic Road (Rt. 743) and Seminole Trail (US 29) in Neighborhood 1. TAX MAP/PARCEL: 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, 061W0-03-00-02500 MAGISTERIAL DISTRICT: Jack Jouett</p>	<p>Clerk:</p> <ul style="list-style-type: none"> <li>• Action Letter – ZMA-2011-00007 would go before Board of Supervisors on a date to be determined with a recommendation for approval subject to the proffers dated December 5, 2011 with the amendments as recommended by staff and outlined in Attachment 3.</li> </ul>

<p>(Claudette Grant)</p> <p><b>RECOMMENDED APPROVAL OF ZMA-2011-00007</b>, by a vote of 6:0, subject to the proffers dated December 5, 2011 with amendments as recommended by staff and outlined in Attachment 3.</p>	
<p>11. <b>Request for Resolution of Intent – Special Exemptions</b></p> <p><b>ADOPTED</b> Resolution of Intent for Special Exceptions, by a vote of 6:0, as drafted by staff and included in Attachment 4.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> <li>• Joint Public Hearing of Planning Commission and Board scheduled for February 8, 2012.</li> </ul>
<p>12. <b>Old Business</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
<p>13. <b>New Business</b></p> <ul style="list-style-type: none"> <li>• Discussion held about why the UVA Representative is not a voting member of PC. Mr. Morris suggested that it be looked at again.</li> <li>• Mr. Franco noted that it was not just VDOT standards, but also the utility companies' desire not to be in right of way because of future cost obligations for repairs that make the design of the Neighborhood Model challenging. The Commission agreed to elect a temporary chair for the work session next week.</li> </ul>	<p><u>Secretary:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
<p>14. Adjourn to January 31, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 7:33 p.m.</li> </ul>	

Attachment 1 – SP-2011-00022 Verizon Wireless/Southwest Mountain Tier III Personal Wireless Service Facility – Recommended Conditions of Approval

Attachment 2 – SP-2011-00026 Flatwoods Land Trust AT&T-CV429-Tier III – Recommended Conditions of Approval

Attachment 3 – ZMA-2011-00007 Albemarle Place Proffer Amendments – Recommended Proffer Changes

Attachment 4 – Adopted Resolution of Intent for Special Exceptions

## ATTACHMENT 1

### SP-2011-00022 Verizon Wireless/Southwest Mountain Tier III Personal Wireless Service Facility

#### **Conditions of approval:**

1. Development and use shall be in general accord with what is described in the applicant's request and site plans, entitled "Southwest Mountain LTE 4G Upgrade", with a final zoning drawing submittal date of 11/10/11 (hereafter "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- Height
- Mounting type
- Antenna type
- Number of antenna
- Color
- Location of ground equipment and fencing

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The monopole shall not be increased in height above the existing 260 feet above ground level (AGL).

3. Equipment shall be attached to the exterior of a structure only as follows:

(i) The total number of arrays of antennas attached to the existing structure shall not exceed six (6), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches.

4. Prior to issuance of a building permit, the owner of the facility shall submit an updated report to the agent identifying each user of the tower to be updated annually between May 1 and July 1 in accordance with the requirements of Section 5.1.40(c)(7).

The motion passed by a vote of 6:0.

Mr. Morris said the request would be forwarded to the Board of Supervisors with a recommendation for approval at a time to be determined.

#### **Motion for Recommendation on Modifications:**

The Planning Commission recommended approval for modifications of Sections 5.1.40(c)(3)(i),(c)(4) and (c)(5) for SP-2011-00022 Verizon Wireless/Southwest Mountain Tier III Personal Wireless Service Facility for the reasons delineated by the staff report.

**Attachment 2**  
**SP-2011-00026 Flatwoods Land Trust AT&T-CV429-Tier III**  
**Recommended Conditions of Approval**

**RECOMMENDATION:** The Planning Commission recommends approval of SP 2011-00026 Flatwoods Land Trust with the conditions listed below, and of the requested modification to Section 5.1.40(d)(6) (to permit the facility to extend 30 feet above the reference tree), based on the analysis provided herein.

**CONDITIONS OF APPROVAL:**

1. Development and use shall be in general accord with the conceptual plan titled "CV429" prepared by O. Warren Williams, Jr., and dated 10-10-11 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- a) Height
- b) Mounting type
- c) Antenna type
- d) Number of antennae
- e) Distance above reference tree
- f) Color
- g) Location of ground equipment

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Entrance design and location must be approved by the Virginia Department of Transportation before construction of the access road for this use may commence.

**Zoning Ordinance Modifications:**

1. Section 5.1.40 (d)(6)- Modification of requirement that facility extend no more than 7 feet above the reference tree, to permit it to extend 30 feet above the reference tree.

Note: Mr. Morris noted as previously he did not recommend approval of going beyond the 10' pole.



**Attachment 3**  
**ZMA-2011-0007 Albemarle Place**

The Planning Commission recommends approval of ZMA-2011-00007 Albemarle Place Proffer Amendment subject to the proffers dated December 5, 2011 as recommended by staff with the amendments as necessary as recommended by staff.

- If the applicant agrees and can address the outstanding proffer issues and provides reservation for future dedication of District Avenue right-of-way, staff recommends approval of ZMA-2011-00007 inclusive of revised proffers.
- There are other outstanding technical items relating to the proffers that should be addressed prior to a public hearing with the Board of Supervisors.

**Attachment 4  
SPECIAL EXCEPTIONS  
ADOPTED RESOLUTION OF INTENT**

**WHEREAS**, the Zoning Ordinance currently authorizes the Albemarle County Planning Commission and certain administrative officers to consider and act on requests for waivers, modifications, variations and substitutions; and

**WHEREAS**, the Zoning Ordinance currently authorizes the Planning Commission to make certain decisions under the Zoning Ordinance; and

**WHEREAS**, it is desired to amend the Zoning Ordinance to provide that all of the actions described hereinabove be made by the Albemarle County Board of Supervisors as special exceptions, which are expressly enabled under Virginia Code § 15.2-2286(A)(3).

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance to authorize the Albemarle County Board of Supervisors to consider and act on special exceptions to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and return its recommendations to the Board of Supervisors at the earliest possible date.

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